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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,817	03/05/2002	Atsushi Mizutome	03500.016249	2989
5514 7590 05/01/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PENG, FRED H	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/087,817

**Applicant(s)**

MIZUTOME ET AL.

**Examiner**

Fred Peng

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 35-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 35-45 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 35, 38, 40, 43 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Finseth et al (US 2005/0028207 A1).

Regarding Claims 35, 40 and 45, Finseth discloses a receiving apparatus (FIG.3, -34) with corresponding method and computer-readable medium (FIG.3, -78) for receiving television broadcasting signals, comprising:

an operation unit (FIG.3, -74) for instructing an operation of the receiving apparatus;

a profile processing unit (FIG.3, -74) for generating an internal user profile on the basis of an operation history of said operation unit (Para 70);

an external interface unit (FIG.3, -82) for inputting, from outside of said receiving apparatus, an external user profile which is generated on the basis of an operation history of another receiving apparatus (Para 82 lines 1-8);

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a storing unit for storing the internal user profile generated by said profile processing unit and the external user profile input by said external interface unit (Para 103 lines 1-10);

a selection unit (FIG.3, -86) for selecting one of the internal user profile and the external user profile (Para 105 lines 4-9);

a searching unit for reading out the user profile selected by said selection unit from said storing unit and searching a program corresponding to the read-out user profile among a plurality of transmitted programs multiplexed in the television broadcasting signals (Para 105 lines 9-12; Para 77 lines 1-5; Para 84 lines 1-5); and

a control unit for automatically deleting, at a optional timing, the external user profile of the internal and external user profiles stored in said storing unit (Para 88 lines 18-24, the less frequently received shared user preference, external user profile is automatically deleted).

Regarding Claims 38, and 43, Finseth discloses a receiving apparatus (FIG.3, -34) with corresponding method for receiving television broadcasting signals, comprising:

a storage unit (FIG.3, -68) for storing a plurality of programs transmitted with being multiplexed in the television broadcasting signals;

an operation unit (FIG.3, -74) for instructing an operation of the receiving apparatus;

a profile processing unit (FIG.3, -74) for generating an internal user profile on the basis of an operation history of said operation unit (Para 70);

an external interface unit (FIG.3, -82) for inputting, from outside of said receiving apparatus, an external user profile which is generated on the basis of an operation history of another receiving apparatus (Para 82 lines 1-8);

a storing unit for storing the internal user profile generated by said profile processing unit and the external user profile input by said external interface unit (Para 103 lines 1-10);

a selection unit (FIG.3, -86) for selecting one of the internal user profile and the external user profile (Para 105 lines 4-9);

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a searching unit for reading out the user profile selected by said selection unit from said storing unit and searching a program corresponding to the read-out user profile among a plurality of transmitted programs multiplexed in the television broadcasting signals (Para 105 lines 9-12; Para 77 lines 1-5; Para 84 lines 1-5);

wherein said profile processing unit is arranged to be able to update contents of the external user profile stored in said storing unit, on the basis of the operation history of said operation unit, when said selection unit selects the external user profile (Para 70; Para 103 lines 1-6, since the external user profile is merged into the user's profile, the external profile will also be updated when get selected).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Hendricks et al (US 7,013,478 B1).

Regarding Claims 39 and 44, Finseth discloses a receiving apparatus (FIG.3, -34) with corresponding method for receiving television broadcasting signals, comprising:

a storage unit (FIG.3, -68) for storing a plurality of programs transmitted with being multiplexed in the television broadcasting signals;

an operation unit (FIG.3, -74) for instructing an operation of the receiving apparatus;

a profile processing unit (FIG.3, -74) for generating an internal user profile on the basis of an operation history of said operation unit (Para 70);

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an external interface unit (FIG.3, -82) for inputting, from outside of said receiving apparatus, an external user profile which is generated on the basis of an operation history of another receiving apparatus (Para 82 lines 1-8);

a storing unit for storing the internal user profile generated by said profile processing unit and the external user profile input by said external interface unit (Para 103 lines 1-10);

a selection unit (FIG.3, -86) for selecting one of the internal user profile and the external user profile (Para 105 lines 4-9); and

a control unit for automatically deleting, at a optional timing, the external user profile of the internal and external user profiles stored in said storing unit (Para 88 lines 18-24, the less frequently received shared user preference, external user profile is automatically deleted).

Finseth does not specifically disclose a searching unit for reading out the user profile selected by said selection unit from said storing unit and searching a program corresponding to the read-out user profile among the plurality of programs stored in said storage.

In an analogous art, Hendricks discloses a searching unit for reading out the user profile selected by said selection unit from said storing unit and searching a program corresponding to the read-out user profile among the plurality of programs stored in said storage (Col 2 lines 42-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include a searching unit for reading out the user profile selected by said selection unit from said storing unit and searching a program corresponding to the read-out user profile among the plurality of programs stored in said storage as taught by Hendricks with the added benefits to add the additional capabilities to search the preference programs from another common program source, such as the recorded programs.

6. Claims 36 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Bedard (US 5,801,747).

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Regarding Claims 36 and 41, Finseth discloses limitations in Claim 35.

Finseth fails to disclose control unit deletes the external user profile in accordance with a predetermined time period elapsing from a time when the external user profile was stored in said storing unit.

In an analogous art, Bedard discloses control unit deletes user profile in accordance with a predetermined time period elapsing from a time when the user profile was stored in said storing unit (Col 6 lines 4-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include control unit deletes the user profile in accordance with a predetermined time period elapsing from a time when the user profile was stored in said storing unit, as taught by Bedard so that the aging and degradation files can be removed to save space for newer files.

7. Claims 37 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Perkins (US 7,072,888 B1).

Regarding Claims 37 and 42, Finseth discloses limitations in Claim 35.

Finseth fails to disclose control unit deletes the external user profile after said selection unit selects the external user profile and said searching unit searches the program corresponding to the selected external user profile.

In an analogous art, Perkins discloses control unit deletes the user profile after said selection unit selects the user profile and said searching unit searches the program corresponding to the selected user profile (Col 13 lines 29-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include control unit deletes the user profile after said selection unit selects the user profile and said searching unit searches the program

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corresponding to the selected user profile, as taught by Perkins so that the temporary file can be removed to avoid the distraction and save space for most often used files.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:30-18:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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